IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1070 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/08/2004 in WP No. 21121 OF 2000 on the file of the High Court.)

Between:

1 R. Subrahmanyam, S/o Ramulu,
2 K. Viswanadham, S/o K. Babu,
3 S.Lingaiah, s/o Chainnaiah,
4 S. Anandam S. Krishnaiah (died) L.R. Sujathamma W/o Late S. Anandam,
All are R/o H.No. 18-3-614/7, Santhinagar, Kadhi Colony, Tirupathi.

..... APPELLANTS

AND

1 Tirumala Tirupathi Devasthanam, rep. by its Executive Officer, Tirupathi, Chittoor District
2 The Estate Officer, Tirumala Tirupathi Devasthanam, Tirupathi.
3 The General Manager, Tirumala Tirupathi Devasthanam, Tirupathi.

.....RESPONDENTS

Counsel for the Appellants: DR.P.B.VIJAY KUMAR

Counsel for the Respondent Nos.1 to 3: MR.M.ADINARAYANA RAJU

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

The appellants call in, question the legality of the judgment rendered by a learned Single Judge of this court dated 03.08.2004 in W.P.No.21121 of 2000.

The factual matrix lies in narrow compass.

Initially, the petitioners were appointed in the Transport Department of Tirumala Tirupati Devasthanam (for short 'TTD' hereinafter), Tirupathi. As per the agreement dated 08-08-1975, entered into between the TTD and the Andhra Pradesh State Road Transport Corporation (for short 'APSRTC' hereinafter) , the Transport Department of TTD was taken over by the APSRTC along with its buses and its employees including the petitioners in terms of the conditions laid down under Section 25 F of the Industrial Disputes Act. Further more, on the representation of transport workers, the Government issued G.O.Ms.No.568, Revenue (ENDTS.III) Department, dated 23.06.1993, granting permission to take back 21 senior drivers from the APSRTC from among the 520 erstwhile TTD transport workers. The petitioners are also the persons from among the 21 senior drivers. Thereafter, the 21 persons had given an undertaking that they will become junior most in the TTD Transport department and will not claim any of their previous pension, gratuity etc. Accordingly, the petitioners and other persons were repatriated to TTD, Tirupati and rejoined in the TTD Transport Department. Thereafter, the 21 persons including the petitioners made a representation to the respondents for allotment of house sites. The Executive Officer, TTD issued proceedings dated 5.7.1995 in ROC No.Rev.3/15970 of 1995 stating that their request will be considered at an appropriate time as per rules. After that, the request of the aforesaid persons was negatived. Being

aggrieved, they filed W.P.No.19454 of 1999 and the same was disposed on 30.07.2004 directing the respondents to supply the application forms for allotment of house sites. In pursuance of the same, the respondents complied with the said order and the applications submitted by the petitioners are not considered for allotment of house plots. Hence, the writ petition. Contraverting the allegations made in the petition, the respondent-TTD filed a detailed counter-affidavit, wherein it is stated that the erstwhile TTD Transport workers who were working in APSRTC were taken into TTD during the year 1994 with a condition that their past service shall be counted for the purpose of settling their retirement benefits only and the plots were given to the TTD employees as per the circular issued during the year 1983. Therefore, the cases of the petitioners who were not in service during 1983 were not considered. It is further stated that subsequently a circular No.Rev.3/23538 of 1997 was issued calling for the applications for allotment of house plots from the eligible candidates who entered into the TTD regular service from 01.10.1973 to 30.12.1980 for allotment of house plots. The petitioners were junior most in TTD Transport Department and they repatriated into TTD in the year 1994 only. Therefore, case of the petitioners for allotment of house plots, cannot be considered.

Having noticed the factual matrix of the case and the version of events as put forward by the appellants and respondents, the learned Single Judge directed the respondents to consider the applications of the petitioners taking into consideration their seniority from the respective dates of their repatriation into TTD in accordance with law.

Heard the learned counsel on either side.

We have meticulously gone through the entire material on record. Initially, the petitioners were appointed in the TTD in 1966 and 1967 respectively. After that, they were taken over by the APSRTC in pursuance of the agreement entered into between the TTD and the APSRTC. Subsequently, 21 persons including the petitioners were repatriated to TTD with an undertaking that they are willing to forego any type of benefits accrued to their service rendered in APSRTC except the payment of their retirement benefits. In that regard, the petitioners became the juniors in the TTD Transport Department. Though the writ petitioners are permitted to repatriation to T.T.D. there is no dispute that their

earlier appointment has been made in T.T.D. Irrespective of the fact as to whether they have foregone their benefits as indicated above, there is no dispute that they are the regular employees in T.T.D. and rendering their services thereunder. In this view of the matter, the learned single Judge is justified in directing the respondents to consider their cases as per their seniority from the date of their repatriation to T.T.D.

On the facts narrated herein above, it is pellucid that the order impugned herein, does not suffer from any material irregularity and therefore, we see no merits in this writ appeal.

Accordingly, the writ appeal fails, and is accordingly, dismissed. No costs.

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(T.MEENA KUMARI, J)

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(P.LAKSHMANA REDDY, J)

27.06.2005

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To

1 The Executive Officer, Tirumala Tirupathi Devasthanam, Tirupathi, Chittoor District
2 The Estate Officer, Tirumala Tirupathi Devasthanam, Tirupathi.
3 The General Manager, Tirumala Tirupathi Devasthanam, Tirupathi.

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